

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-00154

JASON MICHAEL TERRELL

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of defendant Jason Michael Terrell to continue the trial and all related deadlines. (ECF No. 167). In support of defendant's motion and the need for a continuance, counsel for Terrell states that he needs additional time to review the voluminous discovery provided by the government. The COVID-19 pandemic has also significantly hampered counsel's ability to meet with his client and additional time is needed to fully advise his client. Defendant requests a continuance of approximately ninety (90) days. The government does not oppose defendant's request for a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would deny counsel the reasonable time

necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

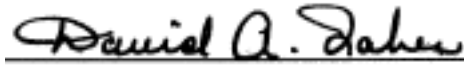
1. Trial of this action is continued until February 2, 2021, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by January 26, 2021;
2. All pretrial motions are to be filed by December 28, 2020;
3. A pretrial motions hearing is scheduled for January 4, 2021, at 11:00 a.m., in Charleston;
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.¹

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

¹ The court notes that, for purposes of determining compliance with the Speedy Trial Act, "in cases involving multiple defendants only one speedy trial clock, beginning on the date of the commencement of the speedy trial clock of the most recently added defendant, need be calculated under 18 U.S.C. § 3161(h)(7)." United States v. Piteo, 726 F.2d 50, 52 (2d Cir. 1983); see also United States v. Walker, Nos. 95-5914, 96-4247, 96-4110, 1997 WL 358770, *3 (4th Cir. June 30, 1997) (quoting Piteo).

IT IS SO ORDERED this 29th day of September, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge